

REMARKS

Applicants have carefully reviewed the Office Action dated August 7, 2003. Applicants have amended Claims 1 and 4 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1-9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enabling requirement. The Examiner has questioned the term wherein the visual indicia has no relationship to the product or service. The claims have been amended to follow the description set forth in the specification in that the visual indicia is provided to indicate that scanning of the machine readable code will cause computer based access of the network. This is believed to overcome the 35 U.S.C. § 112 rejection, the withdrawal of which is respectfully requested.

Claims 1-6 and 8-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Perkowski*. This rejection is respectfully traversed with respect to the amended claims.

As set forth, the visual indicia of Applicants' claims set forth that the visual indicia is disposed on the surface in a "predetermined proximate visual orientation" to the machine readable code. *Perkowski* does not show such a relationship. Rather, *Perkowski* merely provides the bar code on the surface of a product or a brochure, typically this being on a brochure web page. In Col. 21, beginning at line 63, extending to Col. 22, line 11, there is some discussion where a bar code is disposed on a product, on instruction booklets associated therewith or on operating manuals. There may, in fact, be some type of trademark or indicia on the brochure. However, this indicia is provided for reasons other than to indicate that scanning of the bar code would allow access to be made to the network. The purpose of the trademark or logo or any visual indicia is placed on the product for other reasons than network access, and the bar code

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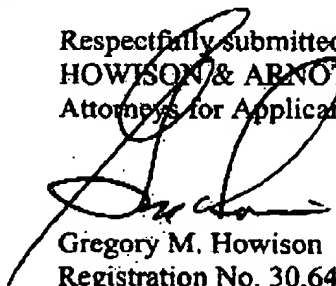
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by being in close association with that information in *Perkowski* does not in any way show that scanning of the code will provide computer based access, *i.e.*, the user has no knowledge from merely looking at the product that the code may, in addition to providing the function that is normally associated therewith, *i.e.*, a UPC function, also be registered in some remote database that will cause a link to be made to information on the web merely by the fact of scanning that bar code. As such, Applicants believe that *Perkowski* does not show the close association between the visual indicia and the machine readable code wherein the visual indicia indicates only that scanning of the machine readable code will cause computer based access of the network. As such, Applicants respectfully request withdrawal of the 35 U.S.C. § 102 rejection with respect thereto.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Perkowski*. For the reasons described above, Claim 7 does not cure the deficiencies in *Perkowski* described herein and, therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection in view of *Perkowski*.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHL Y-24,740 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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